Civil Review 38 of 2007.

24.12.2007 Present: Petitioner in person.

This review had been preferred by the petitioner against the order passed by this Court in RSA 238 of 2007, dismissing the appeal filed by him against the order of the learned Additional District Judge, Shimla in Case No. 10-S/13 of 2007. The facts are being noticed in detail as the review petitioner has unnecessarily taken undue time for arguments despite being asked to stop, submitting on all purported facets of the case and leveling allegations against the subordinate judiciary. I was inclined to issue notice for contempt against the petitioner, but considering that he was appearing in person, I have decided to take a lenient view.

The order passed by learned District Judge is to the effect that according to the notification issued by the Himachal Pradesh Government dated 22.10.1984, only 2/3rd of the Court fee is to be refunded where the suit has been dismissed as withdrawn unconditionally. The petitioner insisted on full refund of the Court fee. On hearing the petitioner at the time when the appeal was instituted, it was dismissed, as no substantial question of law arose for determination. The

review petitioner now insists that the order which has been passed is illegal and against the judgments of the Hon'ble Supreme Court in Daya Ram v. Raghunath & others Civil Appeal No. 2900 of 2007 and Shyam Lal Suresh Kumar v. State of Haryana and others Civil Appeal No. 4888 of 2007. In both cases, the Hon'ble Supreme Court has remanded the matters to the High Court for being decided by assigning reasons.

In addition, the review petitioner has submitted on the merits of the case, without in any manner making out any question of law to be decided by this Court.

The review petition filed by the petitioner is not within the parameters of Order 47 of the Code of Civil Procedure, as there is no error apparent on the face of the record and no substantial cause has been made out. In the guise of the review petition, the petitioner has reargued his entire appeal and has not made out any cause for intervention by this Court. This review petition is accordingly dismissed. There shall be no order as to costs.

December 24, 2007 (PC). (Dev Darshan Sud), J.